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Attorneys for Defendants

KIEWIT PACIFIC COMPANY and ALLAN KIRKWOOD

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

MICHEL MERRILL,

Plaintiff,

v.

KIEWIT PACIFIC COMPANY, INC., a
Delaware Corporation; ALLAN KIRKWOOD,
an individual; and Does 1 - 50,

Defendant.

) Case No. C-05-04460 MEJ

) **STIPULATION AND ~~PROPOSED~~**
) **ORDER TO CONTINUE MOTION TO**
) **REMAND HEARING**

Plaintiff MICHEL MERRILL ("Plaintiff") and Defendants KIEWIT PACIFIC CO. and

ALLAN KIRKWOOD ("Defendants"), by and through their counsel of record, hereby agree and

stipulate that Plaintiff's Motion to Remand Action to State Superior Court, currently scheduled

for January 19, 2006, be continued to February 9, 2006. Plaintiff and Defendants also hereby

agree and stipulate Defendants will file and serve their Opposition to said Motion on or before

1 January 12, 2006 and Plaintiff will serve and file any Reply in support of said Motion on or
2 before January 26, 2006.

3 The parties make this joint request for a continuance of Plaintiff's Motion to Remand
4 Action to State Superior Court on the belief that good cause exists for doing so because
5 Defendants' counsel of record is not available on January 19, 2006, to attend the hearing, due to
6 previously scheduled commitments.

7 For these reasons, the parties have stipulated to a continuance of the January 19, 2006
8 Motion to Remand Action to State Superior Court.

9 Accordingly, the parties respectfully request the Court set the Motion to Remand Action
10 to State Superior Court, currently scheduled for January 19, 2006, to be continued to February 9,
11 2006.

12 DATED: December 12, 2005

LAW OFFICES OF JEREMY
PASTERNAK

14 By _____ s/s
Jeremy Pasternak

16 Attorneys for Plaintiff
MICHEL MERRILL

18 DATED: December 12, 2005

SEYFARTH SHAW LLP

19 By _____ s/s
Joel H. Kaplan
Cassandra H. Carroll

21 Attorneys for Defendants
KIEWIT PACIFIC CO. and
22 ALLAN KIRKWOOD

24 IT IS SO ORDERED.

ORDER

25 Dated: December 13, 2005
26 _____

Magistra

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